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SUBJECT: VIETNAM'S EXPERIENCE WITH HUMAN RIGHTS DIALOGUES

Ref: Hanoi 2175

1. (SBU) Summary: Vietnam's series of human rights dialogues with foreign governments are broad-based and generally non-confrontational. Many are linked to ongoing aid programs related to governance reform, but few dialogues result in -- or are expected to -- produce concrete short-term results. Third-country diplomats in Hanoi nonetheless value these dialogues as an opportunity to encourage long-term grassroots changes, as well as to convey concerns about human rights issues and sometimes about individual cases to a host government that appears increasingly sensitive to international criticism. End Summary

Norway

2. (SBU) Norway established relations in Vietnam in 1997, and has held bilateral human rights dialogues in November 2001 in Oslo and January 2003 in Hanoi. The Norwegian MFA and GVN are currently planning for their third dialogue, scheduled for April or May 2004 in Oslo. A Norwegian diplomat described the first two meetings as "getting to know each other" and dealing with issues in only a "very general" manner. In the first dialogue, the Vietnamese delegation was headed by the Ministry of Foreign Affairs (MFA), but included representatives from the Ministry of Justice, Ministry of Public Security (MPS), Supreme People's Court, and the National Assembly. Topics of discussion were "non-confrontational;" the Norwegians addressed the need for GVN adherence to United Nations conventions, and the GVN requested Norway describe its criminal justice system. The GVN group spent a week in Oslo, with one day for the dialogue, followed by visits to Norwegian judicial facilities and discussions with NORAD -- the Norwegian aid agency -- on identifying areas for aid in promoting good governance, a primary theme in Norwegian development assistance.

3. (SBU) The Norwegian return visit to Hanoi in 2003 was led by the MFA's Director General of Humanitarian Affairs, Human Rights, and Democracy (equivalent to Assistant Secretary Craner), and included representatives from NORAD, the Norwegian Supreme Court, and a criminologist from the University of Oslo. Issues were a continuation of those from the first dialogue. The Norwegians did not raise specific cases of concern with the Vietnamese. In planning the third dialogue, the Norwegian diplomat expressed a hope the meeting will become "more substantive" and that NORAD could reach agreement on some aid projects developed from themes discussed in the dialogue, notably criminal law reform. The diplomat also assessed that the dialogues had already helped develop a level of some trust on human rights issues between the GVN and Government of Norway. He noted that he had recently been allowed by the MPS to visit a Vietnamese prison (which U.S. poloffs have done twice; a third request has been outstanding for almost one year).

SWEDEN

4. (U) Sweden not only participates in the EU - GVN human rights dialogue (para 6) but also deals with a number of human rights issues in its annual bilateral review of development cooperation. Sweden established relations with Hanoi in 1968, and has the longest standing diplomatic relations of any Western country. Considered a "friend of Vietnam," it nonetheless published a human rights report in January 2003 that was critical of the GVN's record (earlier year's reports had not been made public). Through its bilateral review, Sweden also targets aid to what it sees as human rights-related areas. These are broadly defined, and the current theme, established at the request of the GVN, is anti-corruption (ref a). In 2002, Sweden invited Vietnam as an observer to the Sweden-Canada-China regional issues dialogue, held that year in Jakarta. The Swedes considered it an "eye-opening" experience for Vietnam to see the relatively open way China addresses human rights accusations.

Australia

15. (U) Australia holds the "Australia-Vietnam Bilateral Dialogue on International Organizations and Legal Issues, including Human Rights," which its diplomats characterize as an annual "non-confrontational" discussion of issues. The meeting, along with talks with Iran and China, is one of only three dialogues Australia holds worldwide. The most recent dialogue - the second - was held on June 27 in Canberra, and included GVN representatives from the MFA, the MPS, the Supreme People's Procuracy, and Supreme People's Court. In these dialogues, the Australians have provided the GVN with a list of specific cases, and have been relatively pleased with responses they receive. The Government of Australia does not link aid programs to issues discussed in the meetings. After the Canberra round, the GOA sponsored a group of GVN officials to a human rights course in Australia, followed by a study tour. The next round of meetings is anticipated to take place in Hanoi in August 2004.

EU
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16. (SBU) The European Union's dialogue has been held at a lower level than Australia and Norway's, but on a biannual basis. The EU and GVN have held three dialogues so far - all in Hanoi - with the most recent one in June and the next one scheduled for November 26. The meetings are planned by a working group of all EU embassies in Hanoi along with the Delegation of the European Commission, but at the dialogue itself the EU is represented by the "Troika" ambassadors. One EC representative was guardedly positive about the June meeting, noting some GVN responses provided in response to the EU's prisoner list. However, a British diplomat said separately that the dialogues have been relatively disappointing: discussions have been unfocused, the GVN was represented by relatively low-level officers from the MFA only, and the impression was that the Vietnamese were "just going through the motions."

17. (SBU) According to the British diplomat, EU member countries consider advancing human rights in Vietnam a "real priority," pointing out that Foreign Minister Straw had also raised the issue with Foreign Minister Nien during their September bilateral meeting in London. Some EU member embassies in Hanoi hope to revitalize the dialogue in its upcoming session, by trying to raise the GVN representation to the department director general-level, and to include representatives from a number of different GVN ministries. The EU is also planning better to structure the talks, and will present the MFA with a list of topics ahead of time; what will be on the list is still being hashed out in working groups. According to the British diplomat, the EU nonetheless hopes to keep the dialogue "non-threatening" for the GVN. Rather than confront the GVN with a list of accusations, the goal is to frame EU concerns in positive terms such as "promoting religious tolerance" in lieu of "ending religious oppression."

Switzerland

18. (U) One likely additional participant in human rights dialogues with the GVN is Switzerland. The Swiss held bilateral dialogues in 1998 and 1999, but discontinued them due to a lack of resources. On a visit in late August, Deputy Prime Minister Vu Khoan proposed restarting of the human rights dialogue. The Swiss Department of Foreign Affairs is currently studying the issue, and diplomats here have indicated it is likely Switzerland will agree to resume the exchanges. Switzerland has some fears that the GVN has sought the renewed dialogue only because Switzerland has limited interests in Vietnam. At the same time, the Swiss view themselves as neutral and free of the biases they believe Vietnamese see in other countries - notably the U.S. and Australia. Any new dialogue would have to involve a range of GVN ministries - not just the MFA - and deal with specific and controversial issues to satisfy the Swiss, according to a diplomat in Hanoi. At the same time, Switzerland is prepared to look for a "longer-term" and broad range change in attitudes rather than immediate results. The dialogue would also likely be twinned with a development strategy of technical programs and exchanges, developed around two or three issues identified in the dialogue.

19. (SBU) Comment: Vietnam remains committed to the process of dialogue, even on issues like human rights when they know full well they will face criticism - direct or indirect - from all of their interlocutors. Most third country participants in these dialogues share U.S. frustrations with a lack of specific results, but nonetheless claim to value the exchanges as one of the few conduits in which they can get information from the GVN, and make clear their concerns while not expecting overnight change.

BURGHARDT